THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 4158 of 2005

Dated: 04-01-2007

Between:

Varuda Karunamma

..... PETITIONER

AND

The Divisional Railway Manager,
(Works Branch), Vijayawada and 2 others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 4158 of 2005

O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the respondents 1 and 2 in taking steps to demolish the building of the petitioner without following due process of law is arbitrary and illegal.

This Court, while directing Rule Nisi, by order, dated 03-03-2005, granted interim stay of any demolition by the respondents.

In response to the notice, the respondents filed a counter affidavit denying the allegation that they are attempting to demolish the property in question without following due process of law. It is stated that the respondents are proposing to take appropriate steps under the provisions of the Public Premises (Eviction of Un-authorised Occupants) Act,1968 so as to evict the persons from the encroached portion of the land. It is categorically stated that no portion of the building is demolished on 17-02-2005 or any other date thereafter.

In view of the stand taken by the respondents in their counter affidavit, no further enquiry is necessary in the writ petition.

Accordingly, recording the statement of the respondents in their counter affidavit, the Writ Petition is disposed of with a direction to the respondents not to demolish the constructions in question without following due process of law and without notice to the petitioner. No costs.

G. ROHINI, J

Dated: 04-01-2007
KLP